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TO:

Name: Mail Stop AMENDMENT
Group Art Unit 3732

Firm: U.S. Patent & Trademark Office

Fax No.: 571-273-8300

Subject: U.S. Patent Application No. 10/809,242

Gary K. Michelson

Filed: March 25, 2004

INSTRUMENTATION FOR USE WITH DYNAMIC
SINGLE-LOCK ANTERIOR CERVICAL PLATE
SYSTEM HAVING NON-DETACHABLY
FASTENED AND MOVEABLE SEGMENTS

Attorney Docket No. 101.0112-01000

Customer No. 22882

Confirmation No.: 6717

FROM:

Name: Thomas H. Martin, Esq.

Phone No.: 330-877-2277

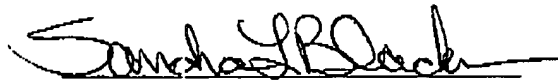
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I hereby certify that the attached Information Disclosure Statement and Form PTO-1449 with 2 documents are being facsimile transmitted to the U.S. Patent and Trademark Office on October 24, 2005.



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|-----------------------------------|---|------------------------|
| In re Application of: |) | |
| Gary K. Michelson, M.D. |) | Confirmation No.: 6717 |
| Serial No.: 10/809,242 |) | |
| Filed: March 25, 2004 |) | Group Art Unit: 3732 |
| For: INSTRUMENTATION FOR USE WITH |) | |
| DYNAMIC SINGLE-LOCK ANTERIOR |) | |
| CERVICAL PLATE SYSTEM HAVING |) | |
| NON-DETACHABLY FASTENED AND |) | |
| MOVEABLE SEGMENTS |) | |

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the listed non-U.S. patent documents are attached.

Applicant respectfully requests that the Examiner consider the listed document and indicate that it was considered by making appropriate notations on the attached form.

English abstracts/translations of the non-English documents are enclosed.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed document is material or constitutes "prior art." If the Examiner applies the document as prior art against any claims in the application and applicant determines that the cited document does not constitute "prior art" under United States law, applicant reserves the right to

present to the office the relevant facts and law regarding the appropriate status of such document.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should the document be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1068.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: October 24, 2005

By: 

Thomas H. Martin

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OCT 24 2005

OMB 0651-0031

| Substitute for FORM PTO-1449 | | | Attorney Docket Number 101.0112-01000 | | Customer No. 22882 | |
|---|-----------------|---------|--|-------|----------------------------------|-------------------------------|
| INFORMATION DISCLOSURE CITATION IN AN APPLICATION | | | Applicant Gary K. Michelson | | Application Number 10/809,242 | |
| (Use several sheets if necessary) Sheet 1 of 1 | | | Filing Date March 25, 2004 | | Group Art Unit 3732 | Examiner N/A |
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| EXAMINER INITIAL | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
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| | DE4007306 | 5/1991 | Germany | | | English Abstract |
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| | | | | | | |
| EXAMINER | | | DATE CONSIDERED | | | |
| EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant. | | | | | | |